From the INTERNATIONAL SEARCHING AUTHORITY	PCT
To: CONSTRUCTION RESEARCH & TECHNOLOGY GMBH Patente, Marken DrAlbert-Frank-Strasse 32 D-83308 Trostberg GERMANY	NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION (PCT Rule 44.1)
	Date of mailing (day/month/year) 18/03/2005
Applicant's or agent's file reference	
COZ-0535/PCT	FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No.	International filing date
PCT/EP2004/013737	(day/month/year) 03/12/2004
Applicant  CONSTRUCTION RESEARCH & TECHNOLOGY GMBH	
1. X  The applicant is hereby notified that the international search	report and the written opinion of the International Searching
Filing of amendments and statement under Article 19: The applicant is entitled, if he so wishes, to amend the claim When? The time limit for filing such amendments is norm International Search Report; however, for more	in.  s of the International Application (see Rule 46): nally 2 months from the date of transmittal of the details, see the notes on the accompanying sheet.
Where? Directly to the International Bureau of WIPO, 34 1211 Geneva 20, Switzerland, Fai For more detailed instructions, see the notes on the accor	scimile No.: (41-22) 740.14.35
2. The applicant is hereby notified that no international search	report will be established and that the declaration
The interest and the written opinion of the interest and the written opinion opinion of the interest and the written opinion o	ternational Searching Authority are transmitted herewith.
applicant a request to follward the texts of both the prote	transmitted to the International Bureau together with the est and the decision thereon to the designated Offices.
no decision has been made yet on the protest; the appl	icant will be notified as soon as a decision is made.
4. Reminders	
Shortly after the expiration of <b>18 months</b> from the priority date, the International Bureau. If the applicant wishes to avoid or postpone papplication, or of the priority claim, must reach the International Bubefore the completion of the technical preparations for international	Dublication, a notice of withdrawal of the International reau as provided in Rules 90 <i>bis.</i> 1 and 90 <i>bis.</i> 3, respectively, all publication.
The applicant may submit comments on an informal basis on the w International Bureau. The International Bureau will send a copy of international preliminary examination report has been or is to be es the public but not before the expiration of 30 months from the priori	such comments to all designated Offices unless an
Within 19 months from the priority date, but only in respect of som examination must be filed if the applicant wishes to postpone the edate (in some Offices even later); otherwise, the applicant must, wi acts for entry into the national phase before those designated Offices.	ntry into the national phase until 30 months from the priority

Name and mailing address of the International Searching Authority

European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016

Authorized officer

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the PCT Applicant's Guide, Volume II, National Chapters and the WIPO Internet site.

Véronique Baillou

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

# INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

#### What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

#### When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been is filed, see below.

#### How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

# What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

#### NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new:
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

# The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

- Where originally there were 48 claims and after amendment of some claims there are 51]:
   \*Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added.\*
- [Where originally there were 15 claims and after amendment of all claims there are 11]: "Claims 1 to 15 replaced by amended claims 1 to 11."
- [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
   "Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
   "Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
- 4. [Where various kinds of amendments are made]: "Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

#### "Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international appplication is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

## Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

#### Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

# PATENT COOPERATION TREATY

PCT

# INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference  COZ-0535/PCT	as well as, where applicable, item 5 below.					
International application No.						
PCT/EP2004/013737	03/12/2004 26/01/2004					
Applicant						
CONSTRUCTION RESEARCH & T	CECHNOLOGY GMBH					
This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.						
This International Search Report consis	s of a total of sheets.					
X It is also accompanied b	y a copy of each prior art document cited in	this report.				
language in which it was filed, u	e international search was carried out on the niess otherwise indicated under this item.	basis of the international application in the anslation of the international application furnished to				
this Authority (F	ule 23.1(b)).					
b. With regard to any nucl	eotide and/or amino acid sequence disclo	sed in the international application, see Box No. I.				
2. Certain claims were fo	und unsearchable (See Box II).					
3. Unity of invention is la	cking (see Box III).					
4. With regard to the title,						
the text is approved as	submitted by the applicant.					
<u></u>	ished by this Authority to read as follows:					
SETTABLE MIXTURE CONT	'AINING LIME, A CEMENTITIOU	JS COMPOSITION AND A POLYMER				
· · · · · · · · · · · · · · · · · · ·						
a same as a second to the second						
5. With regard to the abstract,  X the text is approved as	submitted by the applicant.					
···	• • • • • • • • • • • • • • • • • • • •	thority as it appears in Box No. IV. The applicant				
may, within one month	from the date of mailing of this international s	search report, submit comments to this Authority.				
6. With regard to the drawings,						
a. the figure of the drawings to be	published with the abstract is Figure No.					
as suggested b	y the applicant.					
as selected by	his Authority, because the applicant failed to	suggest a figure.				
	his Authority, because this figure better char	racterizes the invention.				
b. X none of the figures is to	be published with the abstract.					

## INTERNATIONAL SEARCH REPORT

International Application No PCT/EP2004/013737

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

 $\begin{array}{ll} \mbox{Minimum documentation searched (classification system followed by classification symbols)} \\ \mbox{IPC 7} & \mbox{C04B} \end{array}$ 

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, PAJ, WPI Data

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 01/28955 A (FOSROC INTERNATIONAL LIMITED; MILLS, PETER, SHELLEY; DEGVILLE, DAVID,) 26 April 2001 (2001-04-26) cited in the application	1-4,6-10
Y	the whole document	5
<b>X</b>	WO 98/58886 A (EVERMINE LIMITED; JOUBERT, KENNETH, ALFRED; VAN VUUREN, HENDRIK, JOHAN) 30 December 1998 (1998-12-30) cited in the application the whole document	1-4,6-10
Y	US 4 350 533 A (GALER ET AL) 21 September 1982 (1982-09-21) the whole document	5

Further documents are listed in the continuation of box C.	X Patent family members are listed in annex.
Special categories of cited documents:  A' document defining the general state of the art which is not considered to be of particular relevance  E' earlier document but published on or after the international filling date  L' document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)  O' document referring to an oral disclosure, use, exhibition or other means  P' document published prior to the international filing date but tater than the priority date claimed	<ul> <li>'T' later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</li> <li>'X' document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</li> <li>'Y' document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.</li> <li>'&amp;' document member of the same patent family</li> </ul>
Date of the actual completion of the international search	Date of mailing of the international search report
8 March 2005	18/03/2005
Name and mailing address of the ISA	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Gattinger, I

3

# INTERNATIONAL SEARCH REPORT

International Application No
PCT/EP2004/013737

0.400-41	ation) DOCUMENTS CONSIDERED TO BE RELEVANT.	PC 1/EP2004/013/3/		
Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevan	t to claim No.	
Jaiogory	States of december 1			
A	DE 101 29 151 A1 (HENKEL KGAA) 21 February 2002 (2002-02-21) the whole document	1	-10	
A	PATENT ABSTRACTS OF JAPAN vol. 1999, no. 09, 30 July 1999 (1999-07-30) & JP 11 100251 A (00ZEKI KAGAKU KOGYO KK), 13 April 1999 (1999-04-13) abstract			
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3

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No
PCT/EP2004/013737

Patent document cited in search report		Publication - **** date		Patent family ~ member(s)	Publication date
WO 0128955	A	26-04-2001	AT	255076 T	15-12-2003
			ΑT	255077 T	15-12-2003
			ΑU	772351 B	2 22-04-2004
			ΑU	1036401 A	30-04-2001
			AU	772447 B	2 29-04-2004
			ΑÜ	1151901 A	30-04-2001
			CA	2384798 A	
			CA	2384853 A	
			DE	60006852 D	
			DE	60006853 D	
				60006853 T	
			DE		
			EP	1230190 A	
			EP	1230191 A	
		•	ES	2211638 T	
			WO	0128955 A	
			WO	0128956 A	
			PL	354654 A	
			PL	354755 A	
			PT	1230191 T	30-04-2004
			US	2002157576 A	1 31-10-2002
			ÜŞ	2002161071 A	
			ZA	200201909 A	
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WO 9858886		30-12-1998	AU	8539998 A	04-01-1999
MO 3020000	^	00 1L 1330	BR	9810446 A	
			CA	2241167 A	
			CN	1261392 A	
			EA	1141 B	
			WO	9858886 A	
			EP	1005441 A	
				337830 A	
			PL		- <b>-</b>
			TR	9903130 T	
			ZA	9805350 A	. 20-12-1999 
US 4350533	Α	21-09-1982	CA	1182481 A	
			JP 	58026055 A	16-02-1983
DE 10129151	A1	21-02-2002	CA	2431562 A	
			WO	0212412 A	
			EP	1307521 A	
			HU	0303715 A	12 01-03-2004
			NO	20030615 A	
			PL	359646 A	
			SK	1712003 F	
			US	2004068042 A	
		 13-04-1999	NONE		

# PATENT COOPERATION TREATY

To:			PCT
see form PCT/ISA/220		INTERNATION	TEN OPINION OF THE NAL SEARCHING AUTHORITY PCT Rule 43 <i>bis</i> .1)
		Date of mailing (day/month/year) see	o form PCT/ISA/210 (second sheet)
Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER A See paragraph 2 below	
International application No. PCT/EP2004/013737	International filing date (o 03.12.2004	ay/month/year)	Priority date (day/month/year) 26.01.2004
International Patent Classification (IPC) or t C04B28/06	ooth national classification a	and IPC	
Applicant CONSTRUCTION RESEARCH &	TECHNOLOGY GMBI	Н	
☐ Box No. IV Lack of unity of ☐ Box No. V Reasoned state	inion  nent of opinion with regal f invention ement under Rule 43 <i>bis</i> tations and explanations ents cited s in the international app	rd to novelty, inventivent (a)(i) with regard to supporting such state	e step and industrial applicability novelty, inventive step or industrial ement
If a demand for international prel written opinion of the Internationa the applicant chooses an Authori International Bureau under Rule will not be so considered.  If this opinion is, as provided about the IPEA a written replications is a submit to the IPEA a written replications.	al Preliminary Examining ity other than this one to 66.1 bis(b) that written one over, considered to be a very together, where appropose Form PCT/ISA/220 or	y Authority ("IPEA"). He be the IPEA and the control of this Internative or the IPEA and the IPE	lowever, this does not apply where chosen IPEA has notifed the tional Searching Authority
3. For further details, see notes to F	Form PCT/ISA/220.		
Name and mailing address of the ISA:		Authorized Officer	, mai Paleng.

Gattinger, I

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Form (PCT/ISA/237) (Cover Sheet) (January 2004)

European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465

# 10/584869

# WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/EP2004/013737

## 20 Rec'u PCT/PTO 29 JUN 2006

	Box N	IO. I	Basis of the opinion	-		
1.	With re	egard nguag	to the <b>language</b> , this opinion has been established on the basis of the in which it was filed, unless otherwise indicated under this item.	internationa	al applicati	on in
	la	ngua	binion has been established on the basis of a translation from the original ge , which is the language of a translation furnished for the purposes of Rules 12.3 and 23.1(b)).	I language of internation	into the fo onal searc	llowing h
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application a necessary to the claimed invention, this opinion has been established on the basis of:					plication a	nd
	a. type	e of m	naterial:			
		a se	equence listing			
		tabl	e(s) related to the sequence listing			
	b. forr	nat of	f material:			
		in v	vritten format			
		in c	computer readable form			
	c. tim	e of fi	ling/furnishing:			
		cor	ntained in the international application as filed.			
	. 🗆	file	d together with the international application in computer readable form.			•
		furi	nished subsequently to this Authority for the purposes of search.			
3	h	nas be	lition, in the case that more than one version or copy of a sequence listing een filed or furnished, the required statements that the information in the is is identical to that in the application as filed or does not go beyond the applicate, were furnished.	subseque	nt or additi	unai
4	. Addit	ional	comments:		٠.	

# WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/EP2004/013737

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or Box No. V industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: Claims

5

Claims No:

1-4,6-10

Inventive step (IS)

Yes: Claims

No:

Claims 5

Industrial applicability (IA)

Yes: Claims

1-10

No: Claims

2. Citations and explanations

see separate sheet

Certain observations on the international application Box No. VIII

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

# 1AP20 Rec'd PCT/PTO 29 JUN 2006

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (SEPARATE SHEET)

PCT/EP2004/013737

International application No.

# Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: WO 01/28955 A (FOSROC INTERNATIONAL LIMITED) 26 April 2001

D2: WO 98/58886 A (EVERMINE LIMITED) 30 December 1998

D3: US-A-4 350 533 (GALER ET AL) 21 September 1982

- 2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1 to 4 and 6 to 10 is not novel in the sense of Article 33(2) PCT.
- 2.1. The document D1 discloses (the references in parentheses applying to this document):

D1 discloses a settable composition based on an aqueous polymer latex or polymer powder and a cementitious composition comprising up to 10 wt.-% lime, 25 to 95 wt.-% calcium aluminate and up to 50 % calcium sulfate (page 2; lines 5 to 20) with ratios of polymer to cementitious composition of 0.5:1 to 10:1 (on solids content). Taking into account the calcium oxide content of the calcium aluminate (page 4; lines 2 to 8; calculation of CaO content analogical to example 3 of the present application) the overall lime content surmounts 13 %. Thus, the subject-matter can not be considered to be novel over D1. As the settable composition is used for coating rock surfaces (page 1; lines 4 to 6) claims 6 to 10 are also not novel.

As the total CaO amount may be over 40 wt.-%, neither claim 3 nor claims 2 and 4 can be regarded novel in light of D1.

2.2. The analogous argumentation applies for document D2, which also discloses a settable composition based on an aqueous polymer latex or polymer powder and a

# WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (SEPARATE SHEET)

International application No.

PCT/EP2004/013737

cementitious composition comprising calcium aluminate, calcium sulfate and lime provided by Portland cement. The subject-matter of claim 1 can therefore also not be considered to be novel in view of D2.

3. Dependent claim 5 does not contain any features which, in combination with the features of any claim to which it refer, meet the requirements of the PCT in respect of novelty and/or inventive step, the reasons being as follows:

The document D1, which is regarded as being the closest prior art (see also point 2.1. above), differs from subject-matter of dependent claim 5 in that no stoichiometric surplus of lime is disclosed.

However, it would appear, that the skilled person starting from the teaching of D1 and seeking to further improve the early strength development of the ettringite-binder polymer coating takes account of D3, which mentions this problem and suggests the addition of extraneous lime (column 3; line 50 to column 4; line 24) to solve this problem. Thus, the subject matter of claim 5 results from the combination of D1 and D3 in an obvious manner and is therefore not inventive.

#### Re Item VIII

# Certain observations on the international application

- Page 3 of the present description was submitted with multiple obvious typing errors.

# **EUROPEAN PATENT OFFICE**

#### Patent Abstracts of Japan

PUBLICATION NUMBER

: 11100251

PUBLICATION DATE

13-04-99

APPLICATION DATE

29-09-97

APPLICATION NUMBER

09283018

APPLICANT: OOZEKI KAGAKU KOGYO KK;

INVENTOR: TSUDA ISAMU;

INT.CL.

C04B 28/06 C04B 22/06 C04B 24/26 E04G 23/02 E21D 11/10 // C04B103:10

TITLE

QUICK SETTING COMPOSITION FOR CONCRETE

ABSTRACT :

PROBLEM TO BE SOLVED: To obtain a quick setting composition capable of being instantaneously exothermically hardened and obtaing initial and long term strength by adding water into a powdery mixture obtained by adding a specific quantity of each lithium hydroxide and quick lime to a cement blended material consisting of calcium aluminate and an inorganic aggregate and kneading them thereby forming the composition.

SOLUTION: This quick setting composition is formed by adding water the powdery mixture obtained by adding 0.2-1.0 wt.% lithium hydroxide and 2-10 wt.% quick lime to the cement blended material consisting of calcium aluminate and the inorganic aggregate, which is used in a ratio of 1:(1-2.5) to calcium aluminate and is at least one or more of silica sand, gravel, a heavy calcium carbonate and the like and kneading them. If necessary, 1-4 wt.% thermoplastic powdery resin, preferably a resin obtained by spray drying an emulsion of one or more copolymers selected from an ethylene-vinyl acetate-, an ethylene-vinyl acetate-vinyl chloride ternary-, an ethylene-vinyl acetate-acrylic ternary-, a vinyl acetate-acrylic-copolymer containing acetate group as a hydrophilic group and the like is added into the powdery mixture.

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